

REMARKS

1. **Claims 1-3, 9, 45-47, 52-53, and 56-57 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Harvey.**

This rejection is respectfully traversed. The presently claimed composition contains an emulsifier, a polyol, benzyl alcohol, and a pharmacologically or biologically active compound, provided in a non-aqueous formulation. The present compositions are formulated for dilution into the drinking water of a treated mammal and the pharmacologically or biologically active compound is administered to the mammal when the mammal drinks.

In order for a reference to anticipate, it is necessary that the reference describe all of the elements of the claims, arranged as in the claimed device. *C.R. Bard, Inc. v M3 Systems, Inc.*, 48 USPQ2d 1225 (Fed. Cir. 1998); *Helifix Ltd. V. Blok-Lok, Ltd.* 54 USPQ2d 1299 (Fed. Cir. 2000).

Harvey fails to teach or suggest the use of benzyl alcohol for any purpose. Therefore, Harvey does not anticipate the cited claims.

For the same reasons, it is submitted that claims 4-8, 10-11 are not dependent on a properly rejected base claim, and are therefore allowable.



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Marked-up Copy of the Claims

14. (Amended) The composition of claim 13 [15] wherein the parasiticide is selected from the group consisting of: bacitracin, chlortetracycline, erythromycin, lincomycin, oxytetracycline, piperazine, spectinomycin, and tetracycline.